

# POLITICAL AND LEGAL ASPECTS OF GENDER POLICY IN THE MODERN WORLD

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## Abstract

The rights of women and development of the person are among the most important social problems of the new millennium. Everyday life of women has huge impact on all society, their situation is a sensitive indicator of development of humanity as a whole. They began to play a crucial role in ensuring wellbeing of children and the main role in providing a survival of a family, the female consciousness grew, social movements began to be formed. At present the governments of a number of the countries of the world seriously perceive all recommendations of the international community and try by means of special acts and practical measures to establish balance in social positions of men and women in the countries. In this article analyzed problems of political legal support and protection of the rights of women in the modern interstate cooperation, actual theoretical and practical problems of gender equality in the conditions of globalization.

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**Keywords:** Gender equality, legislative fixing, political - legal and social - economic providing

## Introduction

Political and legal standards in the field of human rights are political and legal obligations of the state to the persons which are under jurisdiction of the state. All states are obliged to provide the rights and freedoms of the person and not to encroach on them. In the conditions of globalization of a problem of providing and protection of the rights of women in modern interstate cooperation gain more and more theoretical and practical importance.

One of the main aspects promoting advance of the rights of women in political, economic, social and cultural spheres is protection of these rights at the international and regional levels. In formation and development of

political legal support of gender policy the huge invaluable role was played by the UN and its specialized institutions which have developed the major international agreements of universal character, personified the general for all mankind of value.

Relevance of the appeal to research of this problem is caused by the following factors:

- change of priorities of the international community in cooperation on realization of human rights, in particular, readiness of the states fully and equally to carry out the rights of women consolidated in international treaties;
- definition as one of the main activities of all UN system of questions of equal position of men and women;
- studying, generalization, the comparative analysis and use of experience of the foreign states on realization of a principle of equality of men and women.

**Research Methods:** In the course of writing were used scientific methods such as the analysis and synthesis, methods of the legal, economic and logical analysis and systematic approach.

**The Main Results of the Research:** For finding of the status of full citizens women were required need nearly two eyelids against public prejudices and restrictions, using thus the most various ways and methods. Including - methods of collective action within women's movement.

Under its pressure the international community eventually, recognized that the rights of women are an integral part of human rights and began to be engaged in their legal support.

Not in all countries of the world ideas of gender equality are issued legislatively. It is clear that legal norms of the Islamic countries or norm of the African states can't but differ from the European norms and laws. From here - special, unifying value of norms of international law which develop and is offered on the statement to the participating states of the international community by such structures as the UN, the International Labour Organization, etc.

The international legal documents accepted by them - Conventions have the statute of the laws obligatory for execution by those member states of these structures which signed them and ratified in the parliaments. Other forms of the international documents - Declarations, Addresses have advisory nature.

If the national legislation on gender equality, by the rights of women is developed poorly, and even at all is absent, women's organizations and women, can use the documents accepted by the world community and ratified by their country for upholding of the rights. They have the right, referring to Conventions, to address in judicial instances of all levels. Not

incidentally, legal acts of the United Nations call "the legal tool of prevention of discrimination concerning women".

The commitment to the principle of equality of men and women before the law for the first time the UN said in a main document - in the Universal Declaration of Human Rights: "All people are born free and equal in the advantage and the rights".

After that the UN accepts more than 100 documents aimed at providing gender equality. Among them: The Convention on fight against human trafficking and with operation of prostitution by the third parties (1949); The Convention on the political rights of women (1952); The Convention on nationality of the married woman (1957); The Convention on fight against discrimination in the field of education (1960); The International pacts about the economic, social and cultural rights, about the civil and political rights (1966) and other documents (Ayvazova, 2011).

In this row it is necessary to carry the Convention on elimination of all forms of discrimination to number of the major international documents concerning the women, the accepted UN in 1979. It for the first time raised a question of the rights of women as integral part of human rights.

In the field of gender equality it is necessary to carry also Vienna Declaration and the Action program to number of the major international documents. These documents were accepted in 1993 at the World conference on human rights. In them also it is emphasized that the rights of women are the integral component of human rights. Also the special emphasis is placed on value of activity of the international community on prevention of violence over women. In them, in particular, it is spoken about "importance of work on the violence termination concerning women in public and private life, on elimination of all forms of sexual harassments, against operation and illegal trafficking in women, on discrimination elimination on the basis of a floor at administration of justice" (Sabitova, 2007).

When developing laws and state programs on gender equality it is necessary to consider as very important help the new document of the Council of Europe developed by Department of problems of equality between men and women in 1998. It is called "An integrated approach to a problem of equality of women and men" or "Gender mainstreaming".

The document prepared by the Council of Europe, expands approaches to a problem of gender equality, and also acquaints with "positive experience" alignments of the social statuses of women and men in a number of the countries most advanced in this regard - Denmark, Sweden, the Netherlands, New Zealand, Portugal. In June, 2000 in New York took place special session of the UN "Pekin+5" which summed up the results of activity of the participating states of the UN on ensuring gender equality. Its

resolution confirmed the main recommendations made to the governments and the states at the Beijing meeting.

At present the governments of a number of the countries of the world seriously perceive all recommendations of the international community and try by means of special acts and practical measures to establish balance in social positions of men and women in the countries.

The analysis of the legislation of the countries in a transition period doesn't reveal frank discrimination concerning women since the majority of Constitutions is guaranteed by the equal rights for men and women and forbid discrimination at all levels, in all fields of activity. However the female status and if not to correct it actually quickly goes down, legitimacy of any government will be under the threat.

More than 30 years ago the USSR ratified the Convention of the UN on elimination of all forms of discrimination concerning women. The official statistics confirms decrease in positions of women in economy, on a labor market, so in education, the health care, light industry the share of women makes 80-90% (UNICEF, 1999), the difference in compensation of men and women by different estimates from 35 increased to 50% (Ayvazova, 2007).

In the countries with a transitional economy are the reasons of increase in a gender inequality, as the general and private problems. In the former Soviet Union women reached high level of participation in public life an artificial way. Communist party the position of women extremely deprived of civil rights, their discrimination in pre-Soviet time admitted. "Women's issue" was solved party peculiar, was considered that only the party has to care of wellbeing of the women, all others uncontrollable, attempts were stopped by it.

In the countries with a transitional economy, women moved forward on certain limits. When quotas were cancelled and more democratic political forms were entered, female gains disappeared.

So, for example, in Azerbaijan women hold only 3% of posts at governmental level and 6% of posts in executive bodies at municipal level (Jones, 2008). In Parliament of Kyrgyzstan from 105 deputies of only 4 women (4.7%). The representation of female deputies at regional level makes 14% (Women, 2005).

The impoverishment of the state treasury, privatization and denationalization of the industrial agricultural enterprises destroyed system of social protection of women of Kyrgyzstan (child allowances, benefits for large families, maternity leave). Statistical data show that 39% of the privatized lands belong to female farmers, but they have no necessary agricultural machinery, fertilizers for its processing (Women, 2005). Many families and live today due to sale of cattle and products with own kitchen garden. According to official figures over 80% of the population are below

the poverty line. Migration from rural areas in city, led also to an impoverishment of rural families, especially in Kyrgyzstan and Tajikistan. In Kyrgyzstan, for example, the influx of people from the village expanded army of the homeless and unemployed. The unemployment rate for men and women is 2 times higher than in the city (Gender, 2006).

Women began not only to be excluded more from public life but also more to be exposed to personal danger. Observed growth of violence concerning women became one of such manifestations. At the international conference in Vienna in 1994 "Health of women of the Central and Eastern Europe" was noted that 5% of diseases and death of women result from violence over them (Radayev, 2009). Among the reasons of violence over the woman – imperfection of rules of law, ignorance by women of the rights and their inability to protect the interests.

The family is that area, in which most difficult to provide gender equality. The family is a difficult social institute, and a lot of things in formation of the intra family relations and the relations between spouses, first of all, is defined by national culture, historical traditions, social and economic conditions, personal factors. Therefore exactly here, in a family, it is very important to consolidate ideas of gender equality and to provide the mechanism of their real implementation.

So, for example, the question of equality of spouses in the family relations traditionally was considered in Kazakhstan solved and not causing any serious problems. To these, by the way, it is visible, that circumstance speaks also that according to the Constitution of the Republic of Kazakhstan (RK) of 1995 under protection of the state there was only a motherhood, but not paternity.

This stereotype of the reached equality between the man and the woman is felt and in the new Family code in which didn't receive many reflection from that gender asymmetry that social and economic changes of the last decade brought with themselves. Attempts to observe gender equality in the Code in essence were reduced to the offer of cancellation of the norm which isn't allowing the husband to get divorced from the wife without its consent during her pregnancy and within one year from the moment of the birth of the child. It, perhaps, everything, than was limited our gender approach, but also this attempt was unsuccessful.

In an operating family law the principle of equality of the man and the woman received fixing in the Family code of RK of 1995 establishing the main beginnings of the family legislation. In the Family code exists norms which frankly break gender symmetry but who assume various situations.

First, it is a question of the Family code of RK limiting the right of the husband on presentation of the requirement about divorce without a consent of the wife during her pregnancy and within one year after the birth

of the child that is caused by need of special attention to health of the woman and the child during this period.

Restriction of the right of the husband on divorce unilaterally - one of debatable questions in a family law. However, despite serious criticism to this situation, attempt of its cancellation during the work on the draft of the Family code weren't crowned with success. Besides that it contradicts the principle of equality, according to supporters of cancellation of this situation, its expediency in principle is very doubtful. It seriously limits the rights of the husband, however doesn't protect the woman from the conflict and doesn't promote building relations between spouses if in a family there was a dissonance.

The second gender and asymmetric norm is article 49 of the Family code regulating paternity proof in a judicial order: in case of the birth of the child at the parents who aren't married among themselves, and in the absence of the joint statement of parents or one of them in registry office bodies, "the origin of the child from a certain person (paternity)" is established in a judicial order. The similar norm, allowing establishment of an origin of the child from mother in a judicial order, the Family code doesn't provide.

The third gender and asymmetric norm provided by the Family code, concerns paternity proof in a voluntary order concerning the child born out of marriage. Here too the legislator approaches a little differently to a paternity proof and motherhood regulation: registration of the woman as mother of the child requires her statement in registry office bodies, and for registration of the man as the father - besides his statement, the consent of mother of the child as the law speaks about the joint statement of the father and mother of the child is necessary also still.

Much more serious danger is concealed in themselves by gender and neutral norms which, being formulated, strictly according to the principle of equality, nevertheless, owing to social and economic conditions don't allow each of spouses to realize the opportunities equally. Thus the most serious discrepancies between legislative fixing of the equal rights and real possibility of their implementation are observed in the field of property rights of married women. Exactly here the principle of the equal rights and equal opportunities of spouses is included in the most serious contradiction with realities existing in society, and it as it is represented, is a key question in gender examination of the family legislation.

One more gender and sensitive area are the reproductive rights of citizens. However until recently this area remained almost completely outside the legal analysis, and to it wasn't paid due attention in legal literature. Only recently the questions connected with the reproductive rights, began to draw to themselves closer attention of lawyers. At the same time the reproductive rights and reproductive behavior is that area which

conceals in itself many "dangers" and needs especially careful development, and discussion of the reproductive rights from a position of gender equality is represented now, more than ever earlier, actual and timely. It is caused, first, by that attention which is drawn to themselves recently by questions of planning of a family, and, secondly, those achievements which happened in the field of an auxiliary reproduction, and those ethic and legal problems which arise in this regard.

### **Conclusion**

As a whole, the analysis of legal and socio-political status of women in the modern world allows to draw a conclusion that it is necessary to undertake efforts for achievement of gender equality, in particular in the following directions:

#### **In the field of the legislation and policy:**

1. The state has to take special measures with the purpose to help women to achieve bigger access to political opportunities.
2. In many countries it is required to carry out reform of system of occurrence of women to political parties, measures for encouragement of female political participation are necessary.
3. Broader cooperation between civil society and governmental organizations.
4. To develop and enter concepts of parity democracy;
5. To develop special strategy and the programs, allowing to expand possibilities of women as equal partners with men in technical, administrative and enterprise fields of activity;
6. Mass media - to promote inclusion of a perspective of equality of floors in a context of socio-political events.

#### **In the economic and social sphere:**

1. The state has to start discussion of the analysis of impact of macroeconomic and social policy on women.
2. Women need to guarantee access to receiving the credits for improvement of their economic situation, identical remuneration with men for equal work, impossibility of dismissal on age, marital status or other discriminating reasons. State programs of reduction of unemployment have to give to women retraining opportunity.
3. Education and health of all members of society, including women has to be priority. Problems of paramount importance have to be: decrease in maternal mortality, increase of low level of food and overcoming of shortage of improving clinics.

## **References:**

Ayvazova S.G. Gender equality in a context of human rights // the Grant, Moscow, 2011

Ayvazova S.G. Woman. Gender. Culture. - Moscow, 2007.

Caroline Jones. Coping with Change. PRA in Central Asia. INTRAC's Report, 2008; The modern woman in a family, at work and in policy: gender aspect. - Materials of sociological research of the National commission of RT for UNESCO. Dushanbe, 2007.

Gender on the agenda. Guide to gender training. - Bishkek, 2006

Radayev V.V., Shkaratan O.I. Social stratification. - Moscow, 2009.

Sabitova A.A. International protection of the rights and freedoms of women: Monograph. – Alma-Ata: Print-S, 2007

UNICEF. Women in a transition period. The regional monitoring report No. 6 - 1999.

Women of Kyrgyzstan after the Beijing conference of 1995. Situation analysis. The concept and strategy of actions till 2000. - Bishkek, 2005.